

REMARKS

By the present amendment, Claims 1 and 3 have been amended. Claims 1, 3 and 5-9 remain pending in the present application, with Claims 1 and 3 being the independent claims. Claims 1, 3 and 5-9 are again rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kaaresoja (U.S. Patent Application Publication No. 2002/0177471 A1) in view of Uriya (U.S. Patent No. 6,574,489 B1).

Applicant appreciates the courtesies extended to Applicant's representative during the telephonic interviews held September 20, 2006, September 25, 2006, October 2, 2006, and January 10, 2007. The present response summarizes the substance of the interviews.

During the interview held September 20, 2006, the Examiner proposed an Examiner's Amendment that would place the present application in condition for allowance if Claims 1 and 3 were amended to incorporate the limitations of Claim 7, and Claim 7 was canceled. On September 25, 2006, Applicant's representative told the Examiner that the proposed Examiner's Amendment would excessively limit the present application and that the present application should be allowed because Kaaresoja, Uriya, or any combination thereof, failed to teach or reasonably suggest providing caller information through a vibration pattern generated upon receiving the incoming call, as taught in the present invention.

The Examiner told Applicant's representative that the response filed July 31, 2006 overcame the rejection of Claims 1, 3 and 5-9 under 35 U.S.C. § 103(a) as being unpatentable over Kaaresoja in view of Uriya, but that Claims 1, 3 and 5-9 would again be rejected if Claims 1 and 3 were not further amended. While the Examiner was not specific on what basis he would again reject the claims, he said he would conduct an update search and discussed, for example, the possible application of Silver (U.S. Patent Application Publication No. 2004/0266490 A1) to the claims.

On October 2, 2006, Applicant's representative faxed a proposed Examiner's Amendment which is the same as the present amendment. The Examiner reviewed and did not

enter the faxed proposed Examiner's Amendment because it allegedly did not place the application in condition for allowance. The Examiner subsequently mailed the Final Office Action of October 20, 2006 where Claims 1, 3 and 5-9 were again rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kaaresoja in view of Uriya.

The October 20, 2006 Office Action, and particularly the finality of the Office Action, is improper and should be withdrawn because the Office Action contradicts the position of the Examiner during the above discussions. For example, Claims 1-3 and 5-9 are pending and all are indicated as being rejected in item 6 of the form PTOL-326 which contradicts the indication by the Examiner during the September 20, 2006 discussion that Claim 7 contained allowable subject matter. No indication about Claim 7 is given in item 7 of the PTOL-326 form. Further, the Examiner has stated that "Applicant's arguments with respect to Claims 1 and 3 have been further considered but are moot in view of the new ground(s) of rejection" in item 1 of the Office Action on page 3. Applicant should have the opportunity to fully respond to the new grounds of rejection because no amendments were presented in the response filed July 31, 2006.

Claims 1 and 3 have been amended to recite, in part, configuring a plurality of vibration patterns including information associated with time periods for which vibration generation is maintained, time periods for which vibration generation stops, and intensity of vibration for each time period according to a user's selection and storing the plurality of configured vibration patterns.

The Examiner again concedes that Kaaresoja fails to clearly teach time periods for which vibration generation stops, and intensity of vibration for each time period, setting a vibration pattern, from among the stored vibration patterns for a particular phone number of previously stored phone numbers in a particular incoming notification mode, and when an incoming call is received from a caller, generating vibration based on the set vibration pattern if a telephone number of the incoming call matches the particular phone. The Examiner relies on Uriya for teaching these features.

In the present invention, various vibration patterns are stored and set corresponding to previously stored telephone numbers. When an incoming call is received and a stored telephone number matches the incoming call number, a vibration is generated based on a vibration pattern set corresponding to the stored telephone number.

Kaaresoja describes a mobile phone that sends and receives tactile icons discernible by feel to a user of the mobile phone. Kaaresoja only teaches creating various tactile icons having vibration patterns different from each other, and does not teach or reasonably suggest linking respective vibration patterns with respective telephone numbers. In addition, Kaaresoja does not teach generating the vibration pattern corresponding to the incoming call number, but executing the received tactile icons themselves.

Kaaresoja further explains that the tactile icons are selected by the user of a transmitting mobile phone to send to a receiving mobile phone, and expressly sets forth that the tactile sensation associated with the tactile icons are expressive of information intended to be communicated to the user of the mobile phone *and exclusive of information indicating a call is waiting to be answered* (emphasis added; see paragraphs 0011, 0015, 0016, 0030, and the last 4 lines of claims 1 and 9 of Kaaresoja).

Uriya teaches generating a vibration pattern according to the mode in which a signal is received through a receiver. Accordingly, Uriya simply recites setting the vibration pattern according to modes, but fails to recite setting the vibration pattern according to the incoming call number, as taught in the present invention.

Kaaresoja, Uriya, or any combination thereof, fails to teach or reasonably suggest providing caller information through a vibration pattern generated upon receiving the incoming call, as taught in the present invention.

The Examiner is again advised that one skilled in the art at the time the invention was made would *not* have been motivated to modify the Kaaresoja mobile phone according to the teachings of Uriya **because that would destroy the intended function of Kaaresoja**. Notifying

the Kaaresoja caller by modifying the tactile sensation of the tactile icons of Kaaresoja according to the teachings of Uriya would destroy the intended function of the Kaaresoja tactile sensation because the Kaaresoja tactile sensation is exclusive of information indicating a call is waiting to be answered. References cannot be combined if the modification destroys the intended function of the reference. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Accordingly, Claims 1 and 3 are allowable over Karresoja and Uriya.

While not conceding the patentability, *per se*, of dependent Claims 5-9 are allowable for at least the above-described reasons.

Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1, 3 and 5-9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kaaresoja in view of Uriya.

Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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